

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Kevin Faulkner et al.)
) Group Art Unit: 2165
Application No.: 10/787,217)
) Examiner: Apu M. Mofiz
Filed: February 27, 2004)
) Confirmation No.: 4697
For: SYSTEMS AND METHODS FOR)
PROVIDING A STORAGE)
VIRTUALIZATION)
ENVIRONMENT)

FILED ELECTRONICALLY

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, Sun Microsystems, Inc., duly organized under the laws of Delaware and having its principal place of business at 4150 Network Circle, Santa Clara, CA 95054, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 10/787,217, filed February 27, 2004 for SYSTEMS AND METHODS FOR PROVIDING A STORAGE VIRTUALIZATION ENVIRONMENT in the names of Kevin Faulkner, Wai Yim, Rod DeKoning and David Kopper, as indicated by assignment(s) duly recorded in the United States Patent and Trademark Office at Reel 015024, Frame 0995 on February 27, 2004. Assignee, Sun

Microsystems, Inc., further represents that it is the assignee of the entire right, title and interest in and to the following copending Application Nos.:

- Application No. 10/787,320 filed February 27, 2004 as indicated by assignment(s) duly recorded in the United States Patent and Trademark Office at Reel 015031, Frame 0206 on February 27, 2004; and
- Application No. 10/787,321 filed February 27, 2004 as indicated by assignment(s) duly recorded in the United States Patent and Trademark Office at Reel 015028, Frame 0133 on February 27, 2004.

To obviate a double patenting rejection, assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of co-pending Patent Application Nos. 10/787,320 and 10/787,321, Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination

certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is enclosed.

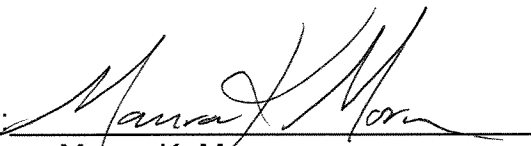
If there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to Applicants' Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916.

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 5, 2007

By: 
Maura K. Moran
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